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U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

Art Unit: 1651

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peggy Dougan on behalf of Joseph Orlando on May 27, 2005.

In the abstract

at line 6, after "LMG P-21587" inserted --- and deleted "to their use" and inserted -- They are used--,

at lines 8-9, deleted "type and to the preparations of pharmaceutical or alimentary type containing them useful" and inserted –products-- .

In the claims

claim 15, line 1, deleted "Preparations of" and inserted –A—and further deleted "type" and inserted –preparation--,

, line 2, deleted "colony forming units of",

, line 3, after "10<sup>11</sup>" inserted –colony forming units—and further deleted "alive" and inserted –live--;

claim 16, line 1, deleted "Preparations of" and inserted –A—and further deleted "type" and inserted –preparation--,

, line 2, deleted "colony forming units of",

Art Unit: 1651

, line 3, after "10<sup>11</sup>" inserted –colony forming units—and further deleted "alive" and inserted –live--;

claim 17, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that they" and inserted –comprising--,

, line 2, deleted "contain a prebiotic in the shape of";

claim 18, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that" and inserted –wherein--;

claim 19, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that they" and inserted –comprising--,

, line 2, deleted "contain a prebiotic in the shape of";

claim 20, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that" and inserted –wherein--;

claim 21, line 1, deleted "Preparations" and inserted –Preparation— and further deleted "characterized in that they" and inserted –comprising--,

, line 2, deleted "contain";

claim 22, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that" and inserted –wherein--,

, line 2, deleted "the" and inserted –selected from the group consisting of-- ;

Claim 23, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that they" and inserted –comprising--,

, line 2, deleted "contain";

Art Unit: 1651

Claim 24, line 1, deleted "Preparations" and inserted —Preparation—and further deleted "characterized in that" and inserted —wherein--,

, line 2, deleted "the" and inserted –selected from the group consisting of--;

Claim 25, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that they" and inserted –in a form--,

, line 2, deleted "are" and after "selected from" inserted –the group consisting of--;

Claim 26, line 1, deleted "Preparations" and inserted –Preparation—and further deleted "characterized in that they" and inserted –in a form--,

, line 2, deleted "are" and after "selected from" inserted –the group consisting of--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Deborah K. Ware May 27, 2005

DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT \$25

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